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April 7, 1992

TO: "1300"
JN: 100V
DATE: 4/7/92

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The Honorable Dan Morales
Attorney General
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

VIA CERTIFIED MAIL
Return Receipt Requested

Re: Open Records Decision regarding request for information
received by Springtown Independent School District

Dear General Morales:

Springtown Independent School District is a duly constituted independent school district of the State of Texas. This firm represents Springtown Independent School District and is submitting this request for an Open Records Decision on its behalf.

On April 2, 1992, the District received a written request as follows:

I, Cindy Hall request a copy of the closed meeting between the School Board & my self concerning my daughter & Coach Garcia on the 23rd of March, 1992. (sic)

A copy of the written request is attached as an exhibit to this letter. Springtown Independent School District interprets the request to be for a copy of the certified agenda of a closed meeting of the School Board maintained pursuant to §2A, Art. 6252-17, the Texas Open Meetings Act. Springtown Independent School District maintains a certified agenda in lieu of a tape recording of the proceedings of closed meetings, all as according to §2A.

It appears to us that the certified agenda may not be disclosed upon a request for disclosure. In particular, §2A(c), Art. 6252-17, reads in part:

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COMMUNICATIONS

Honorable Dan Morales
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The certified agenda of closed or executive sessions shall be made available for public inspection and copying only upon court order in an action brought under this Act.

It further appears that the following sections of the Texas Open Records Act, Art. 6252-17a, may apply so as either to prevent disclosure of the certified agenda or at most to make disclosure discretionary:

§3(a)(1) Information deemed confidential by law, either constitutional, statutory, or by judicial decision.

§3(a)(3) Information relating to litigation of a criminal or civil nature...to which an...employee of the...political subdivision, as a consequence of his...employment, is or may be a party....[We have been advised by the Parker County District Attorney that the employee involved may be the subject of a criminal investigation.]

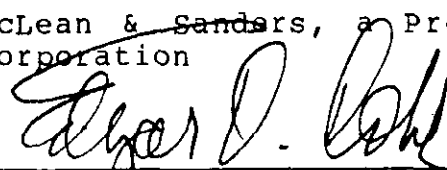
It is our opinion that the District may not release a certified agenda or make it available for public inspection and copying except upon a court order in an action brought under the Open Meetings Act. Because of the requirements of the Open Records Act, we would request direction and an opinion from your office on the duty of the School District to make the requested record available for inspection and copying.

If you have any questions or need further information, please do not hesitate to let us know.

Thank you for your kind attention to this matter.

Sincerely yours,

McLean & Sanders, a Professional
Corporation


Edgar D. Coble

EOC/bae

c: Mr. Conny Martin
Superintendent
Springtown Independent School District